

DOCKET NO. 13039:90 DIV (CRAN18-00090)
Customer No. 23990



17w
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : David B. Whitten et al.
Application No. : 10/796,428
Filed : March 9, 2004
For : METHOD AND SYSTEM FOR ACCOMPLISHING PRODUCT
DETECTION
Group No. : 3651
Examiner : Khoi H. Tran

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

Sir:

The undersigned hereby certifies that the following documents:

1. Information Disclosure Statement;
2. Form PTO/SB/08A (3 pages);
3. Twelve (12) references;
4. Fee Transmittal for FY 2005 (in duplicate);
5. Check in the amount of \$180.00; and
6. A postcard receipt

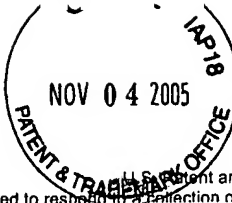
relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 2, 2005.

Date: 11/2/05

Date: 11-2-05

Kathy Cedar
Mailer
Daniel E. Venglarik
Daniel E. Venglarik
Reg. No. 39,409

P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: dvenglarik@davismunck.com



PTO/SB/17 (12-04)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180.00)

Complete if Known

Application Number	10/796,428
Filing Date	March 9, 2004
First Named Inventor	David B. Whitten
Examiner Name	Khoi H. Tran
Art Unit	3651
Attorney Docket No.	13039:90 DIV (CRAN18-00090)

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 50-0208 Deposit Account Name: Davis Munck, P.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=				
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
- 3 or HP =	x	=				
HP = highest number of independent claims paid for, if greater than 3						

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Information Disclosure Statement

Fees Paid (\$)

\$180.00

SUBMITTED BY

Signature

Registration No.
(Attorney/Agent) 39,308

Telephone 972-628-3600

Name (Print/Type)

Daniel E. Venglarik

Date

11-2-05

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

DOCKET NO.: 13039:90 DIV (CRAN18-00090)
Customer No.: 23990



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : David. B. Whitten et al.
Application No. : 10/796,428
Filed : March 9, 2004
For : METHOD AND SYSTEM FOR ACCOMPLISHING
PRODUCT DETECTION
Group No. : 3651
Examiner : Khoi H. Tran

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. § 1.56, Applicant submits this statement. This submittal is made in accordance with 37 C.F.R. §§ 1.97 and 1.98 and § 609 of the Manual of Patent Examining Procedure. The references herein are listed below and on the attached Form PTO/SB/08A. Copies of the listed foreign references are submitted herewith.

<u>U.S. Patent No.</u>	<u>Inventor</u>	<u>Date</u>
1,848,874	Fitz Gerald	March 8, 1932
3,041,462	Ogle	June 26, 1962
3,537,091	Schenkenberg	October 27, 1970

<u>U.S. Patent No.</u>	<u>Inventor</u>	<u>Date</u>
3,687,255	Johnson, II	August 29, 1972
3,795,343	Shigemori et al.	March 5, 1974
3,828,903	Levasseur	August 13, 1974
3,894,220	Levasseur	July 8, 1975
3,914,579	Shigemori et al.	October 21, 1975
3,963,035	Levasseur	June 15, 1976
4,008,792	Levasseur et al.	February 22, 1977
4,032,039	Schuller	June 28, 1977
4,033,442	Wirstlin et al.	July 5, 1977
4,033,477	Hoppe et al.	July 5, 1977
4,044,877	Burton	August 30, 1977
4,127,771	Sick	November 28, 1978
4,231,105	Schuller et al.	October 28, 1980
4,402,609	Fetzer et al.	September 6, 1983
4,429,778	Levasseur	February 7, 1984
4,478,353	Levasseur	October 23, 1984
4,696,413	Wilson et al.	September 29, 1987
4,705,176	Oden	November 10, 1987
4,854,477	Kurosawa et al.	August 8, 1989
5,026,983	Meyn	June 25, 1991
5,084,845	Levasseur	January 28, 1992
5,218,196	Dogul et al.	June 8, 1993
5,281,809	Anderson et al.	January 25, 1994

<u>U.S. Patent No.</u>	<u>Inventor</u>	<u>Date</u>
5,303,844	Muehlberger	April 19, 1994
5,404,008	Malinowski et al.	April 4, 1995
5,496,996	Barnes et al.	March 5, 1996
5,651,476	Percy et al.	July 29, 1997
5,791,516	Wittern, Jr. et al.	August 11, 1998
5,922,030	Shank et al.	July 13, 1999
6,520,373	Neely et al.	February 18, 2003
6,708,079	Mason, II	March 16, 2004
6,758,370	Cooke et al.	July 6, 2004
6,772,906	Wittern, Jr. et al.	August 10, 2004
2004/0172334	Whitten et al.	September 2, 2004
6,794,634	Hair, III et al.	September 21, 2004
2004/0204791	Hair, III et al.	October 14, 2004

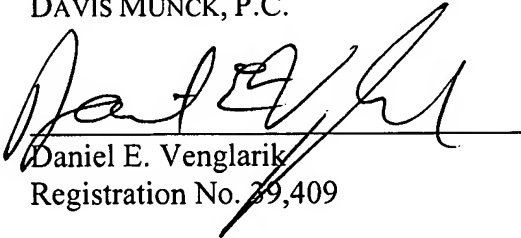
<u>Foreign Patent No.</u>	<u>Country</u>	<u>Date</u>
0 071 438 A2	Europe	February 9, 1983
2 170 792 A	United Kingdom	August 13, 1986
0 432 996 A1	Europe	June 19, 1991
0 572 119 A2	Europe	December 1, 1993
07-282347	Japan	October 27, 1995
09-153172	Japan	June 10, 1997
09-326075	Japan	December 16, 1997
10-011639	Japan	January 16, 1998
WO 00/74009 A1	PCT	December 7, 2000
WO 01/001359 A1	PCT	January 4, 2001
WO 01/29788 A2	PCT	April 26, 2001
WO 03/052706 A1	PCT	June 26, 2003

Applicant hereby expressly reserves the right to swear behind the effective dates of any of the above Patents and to question the relevance and materiality of the Patents and Publications listed herein, in whole, in part, or in combination, subsequent to filing this Information Disclosure Statement.

This Information Disclosure Statement is being transmitted after the mailing date of the first Office Action on the merits. Therefore, Applicant encloses a check in the amount of \$180.00 for the Information Disclosure Statement filing fee.

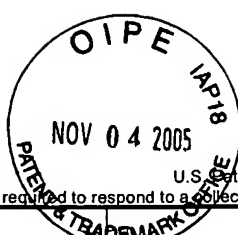
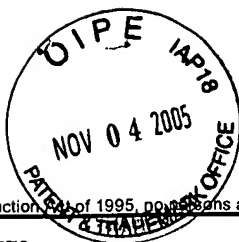
Respectfully submitted,

DAVIS MUNCK, P.C.


Daniel E. Venglarik
Registration No. 39,409

Date: 11-2-05

P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
Email: dvenglarik@davismunck.com



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/796,428
Filing Date	March 9, 2004
First Named Inventor	David B. Whitten
Art Unit	3651
Examiner Name	Khoi H. Tran
Attorney Docket Number	13039:90 DIV (CRAN18-00090)

Sheet 1 of 3

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA	US- 1,848,874	03/08/1932	Fitz Gerald	
	AB	US- 3,041,462	06/26/1962	Ogle	
	AC	US- 3,537,091	10/27/1970	Schenkenberg	
	AD	US- 3,687,255	08/29/1972	Johnson, II	
	AE	US- 3,795,343	03/05/1974	Shigemori et al.	
	AF	US- 3,828,903	08/13/1974	Levasseur	
	AG	US- 3,894,220	07/08/1975	Levasseur	
	AH	US- 3,914,579	10/21/1975	Shigemori et al.	
	AI	US- 3,963,035	06/15/1976	Levasseur	
	AJ	US- 4,008,792	02/22/1977	Levasseur et al.	
	AK	US- 4,032,039	06/28/1977	Schuller	
	AL	US- 4,033,442	07/05/1977	Wirstlin et al.	
	AM	US- 4,033,477	07/05/1977	Hoppe et al.	
	AN	US- 4,044,877	08/30/1977	Burton	
	AO	US- 4,127,771	11/28/1978	Sick	
	AP	US- 4,231,105	10/28/1980	Schuller et al.	
	AQ	US- 4,402,609	09/06/1983	Fetzer et al.	
	AR	US- 4,429,778	02/07/1984	Levasseur	
	AS	US- 4,478,353	10/23/1984	Levasseur	

FOREIGN PATENT DOCUMENTS

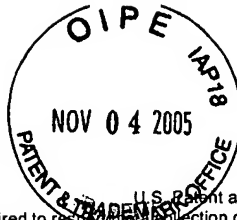
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	AT	EP 0 071 438 A2	02/09/1983	Mars Ltd.		
	AU	GB 2 170 792 A	08/13/1986	The Vendo Co.		
	AV	EP 0 432 996 A1	06/19/1991	Maygay Machines Co.		
	AW	EP 0 572 119 A2	12/01/1993	Keyosk Corp.		
	AX	JP 07-282347	10/27/1995			
	AY	JP 09-153172	06/10/1997			

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to this collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 2 of 3

Complete if Known

Application Number	10/796,428
Filing Date	March 9, 2004
First Named Inventor	David B. Whitten
Art Unit	3651
Examiner Name	Khoi H. Tran
Attorney Docket Number	13039:90 DIV (CRAN18-00090)

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	BA	US- 4,696,413	09/29/1987	Wilson et al.	
	BB	US- 4,705,176	11/10/1987	Oden	
	BC	US- 4,854,477	08/08/1989	Kurosawa et al.	
	BD	US- 5,026,983	06/25/1991	Meyn	
	BE	US- 5,084,845	01/28/1992	Levasseur	
	BF	US- 5,218,196	06/08/1993	Dogul et al.	
	BG	US- 5,281,809	01/25/1994	Anderson et al.	
	BH	US- 5,303,844	04/19/1994	Muehlberger	
	BI	US- 5,404,008	04/04/1995	Malinowski et al.	
	BJ	US- 5,496,996	03/05/1996	Barnes et al.	
	BK	US- 5,651,476	07/29/1997	Percy et al.	
	BL	US- 5,791,516	08/11/1998	Wittern, Jr. et al.	
	BM	US- 5,922,030	07/13/1999	Shank et al.	
	BN	US- 6,520,373	02/18/2003	Neely et al.	
	BO	US- 6,708,079	03/16/2004	Mason, II	
	BP	US- 6,758,370	07/06/2004	Cooke et al.	
	BQ	US- 6,772,906	08/10/2004	Wittern, Jr. et al.	
	BR	US- 2004/0172334	09/02/2004	Whitten et al.	
	BS	US- 6,794,634	09/21/2004	Hair, III et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ * Number ⁴ * Kind Code ⁵ (if known)				
	BT	JP 09-326075	12/16/1997			
	BU	JP 10-011639	01/16/1998			
	BV	WO 00/74009 A1	12/07/2000	Azkoyen Industrial		
	BW	WO 01/01359 A1	01/04/2001	Automated Merch. Sys.		
	BX	WO 01/29788 A2	04/26/2001	Automated Merch. Sys.		
	BY	WO 03/052706 A1	06/26/2003	Inland Finance Co.		

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO <div style="text-align: center; font-weight: bold; font-size: 1.2em;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</div> <div style="text-align: center; font-style: italic; font-size: 0.8em;">(Use as many sheets as necessary)</div>		<div style="text-align: center; font-weight: bold; font-size: 1.1em;">Complete if Known</div> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>10/796,428</td> </tr> <tr> <td>Filing Date</td> <td>March 9, 2004</td> </tr> <tr> <td>First Named Inventor</td> <td>David B. Whitten</td> </tr> <tr> <td>Art Unit</td> <td>3651</td> </tr> <tr> <td>Examiner Name</td> <td>Khoi H. Tran</td> </tr> <tr> <td>Attorney Docket Number</td> <td>13039:90 DIV (CRAN18-00090)</td> </tr> </table>		Application Number	10/796,428	Filing Date	March 9, 2004	First Named Inventor	David B. Whitten	Art Unit	3651	Examiner Name	Khoi H. Tran	Attorney Docket Number	13039:90 DIV (CRAN18-00090)
Application Number	10/796,428														
Filing Date	March 9, 2004														
First Named Inventor	David B. Whitten														
Art Unit	3651														
Examiner Name	Khoi H. Tran														
Attorney Docket Number	13039:90 DIV (CRAN18-00090)														

[illegible][illegible]

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.